

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

Ex parte Hisashi NAKAMURA et al. (Appellants)

LIQUID CRYSTAL PROJECTOR

Application Number: 10/644,068

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Appeal No.:

Art Unit: 2629

Examiner: Ke Xiao

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BRIEF ON APPEAL

(I) REAL PARTY IN INTEREST

The real party in interest is **SANYO ELECTRIC CO., LTD.**, by an assignment recorded in the U. S. Patent and Trademark Office on **January 8, 2004**, at Reel **014866**, Frame **0207**.

(II) RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to appellant, appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(III) STATUS OF CLAIMS

Pending claims 3 and 4 stand rejected. Claims 1 and 2 have been cancelled. No claims are allowed, objected to, or withdrawn. The claims on appeal are claims 3 and 4.

(IV) STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection.

(V) SUMMARY OF THE CLAIMED SUBJECT MATTER

The references to pages and line numbers in the summary of the claimed subject matter provided below refer to the specification as originally filed.

There are two independent claims pending in this application, claims 3 and 4.

Claim 3

The invention recited in independent claim 3 is a liquid crystal projector system (see, e.g., Figs. 1 and 3) for regulating use of a liquid crystal projector (see, e.g., Figs. 1 and 3, and page 5, line 4 – page 6, lines 7 of appellants' specification). The liquid crystal projector system comprises an external computer for operating the liquid crystal projector (see, e.g., PC 100 in Fig. 3; and page 9, lines 12-13 and 16-18 and page 10, lines 9-11 of appellants' specification), the external computer being connected to the liquid crystal projector by radio or wire (see, e.g., network control circuit 51 and network 52 in Fig. 3; and page 9, lines 11-15 of appellants' specification) and including liquid crystal projector controlling software (see, e.g., steps 41-52 in the flowchart of Fig. 4; and page 9, lines 16-18; page 11, line 18 – page 12, line 7; page 12, line 24 – page 13, line 2; page 13, lines 12-17; and page 14, lines 4-9 of appellants' specification) for controlling the liquid crystal projector.

The liquid crystal projector comprises operation means for operating the liquid crystal projector, the operation means including means for entering a command to control the liquid crystal projector via key entry (see, e.g., operation unit 21 or remote control transmitter 22 in Figs. 1 and 3; and page 6, lines 3-7 and 10-14 of appellants' specification);

means for registering a password in the liquid crystal projector (see, e.g., operation unit 21 or remote control transmitter 22 in Figs. 1 and 3; and page 6, lines 14-17 and page 7, lines 11-12 of appellants' specification);

means for determining whether a password is registered in the liquid crystal projector in response to a power supply of the liquid crystal projector being turned on (see, e.g., microcomputer 20 in Fig. 3; steps 21 and 22 in Fig. 4; and page 11, lines 4-10 of appellants' specification);

means for inhibiting operation of the liquid crystal projector by the operation means, as well as for waiting until a password is received from the external computer in response to detecting that the password is registered in the liquid crystal projector (see, e.g., microcomputer 20 in Fig. 3; steps 22 and 25 in Fig. 4; and page 11, lines 15-17 of appellants specification);

means for comparing, in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation means in response to the means for comparing indicating that both the registered password and the password received from the external computer coincide with each other (see, e.g., microcomputer 20 in Fig. 3; steps 26, 28 and 29 in Fig. 4; and page 12, lines 8-23 of appellants' specification); and

means for determining a number of times an erroneous password is entered and inhibiting operation of the liquid crystal projector, except a power-off operation of the liquid crystal projector, by nullifying operation of keys of the operation means, except operation of a power

key provided in the operation means, in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times (see, e.g., microcomputer 20 in Fig. 3; steps 30, 31 and 33 in Fig. 4; page 13, lines 3-8 and 18-25; and page 8, lines 15-17 of appellants' specification).

Claim 4

The invention recited in independent claim 4 is a liquid crystal projector system (see, e.g., Figs. 1 and 3) for regulating use of a liquid crystal projector (see, e.g., Figs. 1 and 3, and page 5, line 4 – page 6, lines 7 of appellants' specification). The liquid crystal projector system comprises an external computer for operating the liquid crystal projector (see, e.g., PC 100 in Fig. 3; and page 9, lines 12-13 and 16-18 and page 10, lines 9-11 of appellants' specification), the external computer being connected to the liquid crystal projector by radio or wire (see, e.g., network control circuit 51 and network 52 in Fig. 3; and page 9, lines 11-15 of appellants' specification) and including liquid crystal projector controlling software (see, e.g., steps 41-52 in the flowchart of Fig. 4; and page 9, lines 16-18; page 11, line 18 – page 12, line 7; page 12, line 24 – page 13, line 2; page 13, lines 12-17; and page 14, lines 4-9 of appellants' specification) for controlling the liquid crystal projector.

The liquid crystal projector comprises an operation unit for operating the liquid crystal projector, the operation unit including a command entry unit to enter a command control the liquid crystal projector via key entry (see, e.g., operation unit 21 or remote control transmitter 22 in Figs. 1 and 3; and page 6, lines 14-17 and page 7, lines 11-12 of appellants' specification);

a circuit for previously registering a password in the liquid crystal projector (see, e.g., operation unit 21 or remote control transmitter 22 in Figs. 1 and 3; and page 6, lines 14-17 and page 7, lines 11-12 of appellants' specification);

a determining unit to determine whether a password is registered in the liquid crystal projector in response to a power supply of the liquid crystal projector being turned on (see, e.g., microcomputer 20 in Fig. 3; steps 21 and 22 in Fig. 4; and page 11, lines 4-10 of appellants' specification);

a circuit for inhibiting operation of the liquid crystal projector by the operation unit, as well as for waiting until a password is received from the external computer in response to detecting that the password is registered in the liquid crystal projector (see, e.g., microcomputer 20 in Fig. 3; steps 22 and 25 in Fig. 4; and page 11, lines 15-17 of appellants specification);

a circuit for comparing, in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit in response to the circuit for comparing indicating that the registered password and the password received from the external computer coincide with each other (see, e.g., microcomputer 20 in Fig. 3; steps 26, 28 and 29 in Fig. 4; and page 12, lines 8-23 of appellants' specification); and

a determining circuit to determine a number of times an erroneous password is entered and to inhibit operation of the liquid crystal projector, except a power-off operation of the liquid crystal projector, by nullifying operation of keys of the operation unit, except operation of a

power key provided in the operation unit, in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times (see, e.g., microcomputer 20 in Fig. 3; steps 30, 31 and 33 in Fig. 4; page 13, lines 3-8 and 18-25; and page 8, lines 15-17 of appellants' specification).

(VI) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants appeal the final rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over **Mizoguchi et al.** (U.S. Patent No. 5,841,466, hereinafter "**Mizoguchi**") in view of **Iwasa** (WO 02/42890, hereinafter "**Iwasa**") and **Okamoto** (U.S. Patent No. 5,465,083, hereinafter "**Okamoto**").

Initially, it is noted that the **Iwasa** reference (WO 02/42890) is a Japanese language reference. The **Iwasa** reference corresponds to U.S. Patent Application Publication No. 2003/0199267. Throughout the prosecution, corresponding U.S. Patent Application Publication No. 2003/0199267 has been referred to (instead of the WO 02/42890 document) because this document is in English. The remarks below also refer to U.S. Patent Application Publication No. 2003/0199267 to **Iwasa**.

(VII) ARGUMENT

Appellants explain hereinbelow why the claim rejections should be reversed.

The rejection of claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Mizoguchi in view of Iwasa and Okamoto should be reversed

Initially, it is noted that independent claims 3 and 4 are argued separately with respect to all arguments set forth below. Because claims 3 and 4 are argued separately, these claims should not stand or fall together. However, claims 3 and 4 recite similar features and the same arguments apply to both claims. More specifically, claim 4 is an apparatus claim and claim 3 is an apparatus claim that corresponds to claim 4, but recites corresponding elements in mean-plus-function format.

As will be explained in detail below, appellants submit that the Examiner has not established a *prima facie* case of obviousness and, as such, the rejection of claims 3 and 4 should be reversed. More specifically, as will be explained below, the Examiner has not established a *prima facie* case of obviousness because (1) all claim limitations are not taught or suggested by the combination of cited prior art references; (2) the combination of references destroys the function of at least one of the references; and (3) at least one of the combined references teaches away from the other references.

“To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

A §103 rejection based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference is not proper and a *prima facie* case of obviousness cannot be properly made. To the contrary, there would be disincentive for combining the references. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). See also MPEP 2143.01(V).

As stated in the Manual of Patent Examining Procedure (MPEP) §2145, references cannot be combined where reference teaches away from their combination. More specifically, the MPEP indicates “*It is improper to combine references where the references teach away from their combination. In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983) [Emphasis added.]

*The combination of **Mizoguchi** in view of **Iwasa** and **Okamoto** does not disclose or suggest all claim limitations recited in claims 3 and 4*

Before discussing the merits of the rejection under §103, a summary of the relevant teachings of **Mizoguchi**, **Iwasa** and **Okamoto** will be provided below.

The Mizoguchi reference

Mizoguchi discloses a system that allows, upon input of a password, display of images on an image display only when the input password matches a registered password (see e.g.,

column 1, lines 33-47). More specifically, **Mizoguchi** discloses a system that can restrict use of a head-mounted optical visualizing apparatus (e.g., restrict children from using the apparatus) by registering a password, storing the registered password in the device, comparing a password input by a user with the stored registered password, and allowing display of an image on an image display (liquid crystal display) only when the input password matches the registered password (see, e.g., Figs. 1A and 1B and column 3, lines 49-65).

The optical visualizing apparatus disclosed by **Mizoguchi** includes a second remote controller 5 having numerical buttons 14 that are used to input a password (see Fig. 2 and column 2, lines 26-29) and a controller 30 connected to the second remote controller 5, the controller 30 having a memory for storing the password input by the second remote controller 5 (see, e.g., column 2, line 63 – column 3, line 4).

As shown in the flowchart of Fig. 1, in operation of the **Mizoguchi** system, when a user turns on a power supply (step S1), a warning regarding eye health is displayed on a liquid crystal display 22 (step S2), and then the controller 30 reads the memory to judge whether or not a password is registered (step S3). When a password is already registered, the controller 30 controls a character generator 31 to cause the liquid crystal display 22 to display a message “input the password” (step S15), a user inputs the password by operating the numerical input buttons 14 of the second remote controller 5 (step S16), and it is judged whether the input

password matches the registered password. When the passwords match, a user is able to start display of in image by turning on an image input switch SW. See column 5, lines 50-64.

The Iwasa reference

Iwasa discloses a security system for an information processing apparatus, such as a personal computer (PC), wherein the PC is configured to present a password entry screen and to start up the operating system (OS) of the PC only when a wireless communication link is established between a portable information apparatus (e.g., a portable telephone or PDA) and the PC.

For example, as shown in Fig. 2, when power to the PC 1 is turned on, the BIOS (Basic Input Output System) is started and checks to see whether the portable information apparatus having a recognition ID pre-registered for security check is located nearby. If the portable apparatus is outside a communication range, the BIOS does not start up. If the portable apparatus is within the communication range, a wireless link with the PC is formed, and the BIOS causes the display screen to switch to the password entry screen. A password is entered, and the BIOS starts the OS only if the correct password is entered.

The Examiner relies on the embodiment shown in Fig. 6 of **Iwasa et al.** The embodiment shown in Fig. 6 relates to security check procedure when the user resumes operation of the PC. In accordance with the embodiment shown in Fig. 6, the PC starts out in a power saving mode

and the input devices of the PC (e.g., keyboard and mouse) are initially in an input device lock state in which the use of the input devices is prohibited (see Fig. 6, step R1; paragraph [0049], lines 1-4; and paragraph [0045], lines 3-6). As discussed in paragraph [0061], the input device locked state is used to enhance security when the user leaves the PC with the password entered therein. In this state, if the portable information apparatus (portable phone, PDA) is within the communication range, a wireless link with the PC is formed, and the BIOS causes the display screen to switch to the password entry screen. Fig. 6, step R4.

If the correct password is entered, the input device locked state is unlocked, and the operating system OS is restored to a previous state (step R6). If the incorrect password is entered three times, the PC is forcibly placed in the power saving mode in step R1. As noted above, in step R1 the power saving mode is accompanied by an input device lock state in which the keyboard and mouse are locked. See step R1 and paragraphs [0050] and [0061].

The Okamoto reference

Okamoto relates to a system wherein the operation of a keyboard or mouse of an information processing apparatus, such as a personal computer, can be nullified by implementing predetermined operations on the keyboard to lock the keyboard and to set a password used to unlock the keyboard. Thus, because data input through the keyboard or mouse is disabled, when an operator of the information processing apparatus is away from his/her seat, operation by other people will be nullified.

More specifically, in operation of the **Okamoto** system, first, a keyboard 13 is locked by pressing a certain combination of keys on the keyboard 13. That is, a determination is made regarding whether or not a combination of pressed keys on the keyboard 13 is a combination for setting a **key lock mode** (see col. 5, lines 41-46). When the system is in a normal mode and a predetermined combination of keys (e.g., a function key and another predetermined key) is pressed, *data input through the keyboard 13 is disabled by inhibiting sending of a key code from a keyboard encoder 17 to a keyboard controller 16* (see col. 5, lines 56-61).

After the **key lock mode** has been set by pressing the appropriate combination of keys, the **Okamoto** system enters a **password setting mode** wherein the operator sets a password that can be later used to unlock the keyboard (see col. 5, lines 51-56 and Fig. 2, steps S106 and S108). In particular, at this point, the operator enters a password having a desired number of characters, and the system monitors and stores in RAM 24 succeeding key inputs until a character (e.g., a RETURN or ENTER) indicating the last character of the password is detected (see col. 6, lines 22-37). When the last character (e.g., ENTER) of the password is detected, the system is changed over to a **password check mode** (see col. 6, lines 33-35). In the password check mode, the operator again enters the same password already stored in the RAM 24 to confirm the password (see col. 6, lines 42-43). If the password entered at this time does **not** match the previously registered password (i.e., the password is not confirmed), the keyboard encoder 17 is set to a **normal mode** wherein key input is **not** inhibited (see col. 6, line 67–col. 7, line 2 and Fig. 4, steps S302 and S308).

However, if the password entered in the password check mode matches the previously registered password (i.e., the password is confirmed), the system maintains the key lock state (see col. 10, lines 58-65). The system now enters a mode wherein key lock release is achieved by entering the password registered in the RAM 24.

In the ***key lock release mode***, the entered password is compared with the password stored in the RAM 24. If there is a match, key lock is released and the system returns to the normal mode wherein the keyboard encoder 17 does not inhibit key input. If there is not a match, the key lock state is maintained. See Fig. 5.

Features of the claimed invention that distinguish over the combination of prior art references

In accordance with aspects of the claimed invention, a liquid crystal projector system comprises both an external computer for operating the liquid crystal projector and an operation unit (operation means), which is a part of the liquid crystal projector, for operating the liquid crystal projector. In the case where a password sent from the external computer to the liquid crystal projector coincides with a password registered in the liquid crystal projector, operation of the liquid crystal projector by the external computer is allowed, while key entry by the operation unit (operation means) of the liquid crystal projector is nullified.

More specifically, in accordance with aspects of the claimed invention, “in response to the circuit for comparing (means for comparing) indicating that both the registered password and the password received from the external computer coincide with each other”, the following two controls are performed:

- (1) “allowing operation of the liquid crystal projector by the external computer” and
- (2) “nullifying operation of keys of the operation unit (means) [of the liquid crystal projector]”.

The combination of **Mizoguchi**, **Iwasa** and **Okamoto** does not disclose or suggest the claimed “*a circuit (means) for comparing, in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit (means) [of the liquid crystal projector] in response to the circuit (means) for comparing indicating that the registered password and the password received from the external computer coincide with each other*” as recited in claim 4 (claim 3).

The Examiner relies on both the **Mizoguchi** reference and the **Okamoto** reference to teach the above-noted claimed feature. That is, the Examiner relies on **Mizoguchi** to teach the aspect of the claimed invention related to *allowing operation* of the liquid crystal projector by the external computer in response to the password from the external computer matching the password registered in the liquid crystal projector (see final Office Action dated December 8,

2009 (hereinafter “final Office Action”), page 3, lines 10-15). The Examiner relies on **Okamoto** to teach the aspect of the claimed invention related to *nullifying operation of keys* of the operation unit (means) of the liquid crystal projector in response to the password from the external computer matching the password registered in the liquid crystal projector (see final Office Action, page 4, lines 13-21).

However, first, **Okamoto** does not disclose or suggest the feature of the claimed invention related to nullifying keys of an operation unit (means) of the liquid crystal projector in response to the password from the external computer matching the password registered in the liquid crystal projector. That is, **Okamoto** does not disclose or suggest “*a circuit (means) for comparing, in response to receiving the password from the external computer, the received password with the registered password and for... nullifying operation of keys of the operation unit (means) [of the liquid crystal projector] in response to the circuit (means) for comparing indicating that the registered password and the password received from the external computer coincide with each other.*”

More specifically, as discussed above, **Okamoto** discloses that (1) a keyboard 13 of a computer is locked (i.e., operation of keys of the keyboard is nullified) in response to pressing a certain combination of keys on the keyboard, (2) a password is then registered, which password may be subsequently entered to release the key lock state, and (3) the key lock state is released if a password entered on the keyboard matches the registered password.

Thus, first, **Okamoto** does not disclose the general feature of nullifying operation of keys of the keyboard 13 *in response* to determining that a registered password and a received password coincide. In contrast, **Okamoto** teaches that the keys of the keyboard 13 are disabled or nullified *in response to* determining that a predetermined combination of pressed keys on the keyboard 13 is a combination for setting a **key lock mode** (see col. 5, lines 41-46 and 56-61).

Moreover, unlike the claimed invention, **Okamoto** teaches that the operation of keys of the keyboard 13 is allowed in response to determining that the registered password and the entered password coincide. That is, in the key lock release mode, the entered password is compared with the registered password stored in the RAM 24. If there is a match, **key lock is released** and the system returns to the normal mode wherein the keyboard encoder 17 does not inhibit key input. If there is not a match, the key lock state is **maintained**. See Fig. 5.

In contrast, according to the claimed invention, the “circuit (means) for comparing” performs the operation of “**nullifying operation of keys of the operation unit (means) [of the liquid crystal projector] in response to the circuit (means) for comparing indicating that the registered password and the password received from the external computer coincide with each other.**”

Second, **Okamoto** does not disclose or suggest a system that nullifies the operation of keys of the operation unit of *a liquid crystal projector* in response to a password received from

an *external* computer coinciding with a registered password. More specifically, **Okamoto** simply discloses a computer having a keyboard 13 that can be disabled in response to the entry of a predetermined combination of pressed keys on the keyboard 13 of the computer itself.

If the claimed invention were analogous to **Okamoto**, the present invention would claim nullifying the operation of keys of the operation unit (means) in response to key entry to the operation unit (means) *itself*. The teachings of **Okamoto** simply do *not* suggest nullifying the operation of keys of an operation unit (means) of a liquid crystal projector in response to a password received from an *external computer*.

Furthermore, as noted above, the **Mizoguchi** reference was relied upon by the Examiner to teach the aspect of the claimed invention related to allowing operation of the liquid crystal projector by the external computer in response to the password from the external computer matching the password registered in the liquid crystal projector. As discussed above, **Mizoguchi** discloses allowing operation of an optical visualizing apparatus in response to a password entered using a second remote controller 5 having numerical buttons 14 that are used to input the password (see Fig. 2 and column 2, lines 26-29) matching a previously registered password (see, e.g., column 2, line 63 – column 3, line 4).

However, in addition to the distinguishing features pointed out above, it is further submitted that the combined teachings of **Mizoguchi** and **Okamoto** do not disclose or suggest

both (1) “**allowing** operation of the liquid crystal projector by the external computer” and (2) “**nullifying** operation of keys of the operation unit (means) [of the liquid crystal projector]” in response to the **same password** received from a single external computer coinciding with a password registered in the liquid crystal projector.

More specifically, first, there is clearly no teaching of **Mizoguchi** and **Okamoto** performing both operations (1) and (2) above in response to the **same password** from an external because the Examiner relies on different references with completely unconnected disclosures to teach operations (1) and (2).

Second, in **Mizoguchi**, the password, the entry of which **allows** operation of the optical visualizing apparatus when there is a password match with a registered password, is entered via the numerical buttons 14 of the second remote controller 5. Moreover, in **Okamoto**, the password, the entry of which **allows** the keyboard 13 to operate when there is a password match with a registered password, is entered via the keyboard 13. Therefore, it is submitted that the combination of references at best suggests only **allowing operation** of the optical visualizing apparatus via numerical buttons 14 of the second remote controller 5 in response to a password match with a registered password.

In view of the discussion above, it is submitted that the combination of **Mizoguchi**, **Iwasa** and **Okamoto** does not disclose or suggest the claimed “*a circuit (means) for comparing,*

in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit (means) [of the liquid crystal projector] in response to the circuit (means) for comparing indicating that the registered password and the password received from the external computer coincide with each other” as recited in claim 4 (claim 3).

Examiner’s Response to Arguments

Appellants address below comments made by the Examiner in the “*Response to Arguments*” section of the final Office Action.

In the *Response to Arguments*, the Examiner asserts “[the] claims fail to recite that the input of the password has to allow access to the LCD as well as inhibit the keyboard *at the same time which means that the password can be at separate times...*” [Emphasis added]. See final Office Action, page 6, lines 4-7.

It is submitted that the Examiner’s reading of the claim language is simply an improper interpretation of the claim language. That is, the claims define that both “allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit” are performed *in response to the same password* (i.e., “the password received from the personal computer”). Therefore, contrary to the Examiner’s assertion, in the claims, the

operations of “allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit (means)” are *not in response* to passwords entered at different times.

Finally, in the *Response to Arguments*, the Examiner asserts “Okamoto clearly teaches the inhibition of the input device that is used to input the password...” (see final Office Action, page 5, lines 10-11). The Examiner only cites claim 7 in support of this assertion (see final Office Action, page 4, lines 15-17). However, claim 7 of **Okamoto** defines a password registering operation that is performed *after* the operation of keys of the keyboard 13 have been nullified in response to pressing predetermined keys (see col. 10, lines 55-57).

More specifically, in the password input (or registering mode) in **Okamoto**, the user enters a password. After the end of the first password entry, the operation mode goes on to the password check mode (YES at step S104). In the password check mode, the user performs the second password entry. That is, the user reenters the same password as that inputted immediately before. When the second entered password matches the first entered password, that password is registered as a password for the current use.

However, the above noted steps of **Okamoto** are basically the same as the password registering steps of **Mizoguchi**, and therefore do not add anything to the disclosure of

Mizoguchi. More specifically, **Mizoguchi** teaches registering a password by entering the password twice for verification (see col. 3, lines 23-36 and steps S5 of S10 of Fig. 1B).

Thus, the combined teachings of **Mizoguchi** and **Okamoto**, taken as a whole, suggest no more than registering a password by entering it twice for verification purposes and allowing operation of a device (keyboard in **Okamoto**, optical visualizing apparatus in **Mizoguchi**), when a subsequently entered password matches the registered password

In view of the above remarks, it is submitted that the combined teachings of **Mizoguchi**, **Iwasa** and **Okamoto** do not disclose or suggest all the claim limitations. Therefore, the rejection of claims 3 and 4 under §103 is improper and should be reversed.

The Mizoguchi reference and the Iwasa reference teach away from each other

The final Office Action applies the **Iwasa et al.** reference to teach “determining a number of times an erroneous password is entered and to inhibit operation of an electronic system [by nullifying operation of keys of the operation means], in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times.” See final Office Action, page 4, lines 4-7.

Iwasa teaches that the operation of a keyboard is inhibited (i.e., remains in a locked state) when an incorrect password is entered a predetermined number of times. More specifically, as

discussed above, in **Iwasa**, if the incorrect password is entered three times, the PC is forcibly placed in the power saving mode in step R1. As noted above, in step R1 the power saving mode is accompanied by an input device lock state in which the keyboard and mouse are locked. See step R1 and paragraphs [0050] and [0061].

In contrast, **Mizoguchi** teaches that key input operations are not inhibited when an incorrect password is entered. **Mizoguchi** only teaches that an image input switch SW is inhibited from turning on when the entered password does not coincide with the registered password. The image input switch SW (see Fig. 4) allows an image from an external source to be input so that it can be displayed.

More specifically, as was explained in detail in the Response filed on December 27, 2007, **Mizoguchi** does not teach “nullifying” the *key operations* of the first remote controller 3 and the second remote controller 5, which act as operation means for operating a liquid crystal projector. In particular, **Mizoguchi** does not teach nullifying the operation of the power switch 12, the reset button 13 and the numerical buttons 14 inputs of the second remote controller 5. The power switch 12, the reset button 13 and the numerical buttons 14 ***are fully operational*** even if the password does not coincide with the registered password. *For example, as shown in Fig. 1A, in steps S15-S17, if the entered password does not coincide, then the password is re-entered. Thus, the numerical buttons 14, which are used to re-enter the password, must not be nullified so that the password can be re-entered.*

Further, the first remote controller 3 includes a brightness control knob 9, a gray level control knob 10 and a sound volume control knob 11. However, **Mizoguchi** does not teach that the operation of each of these control knobs is nullified in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times. In fact, **Mizoguchi** suggests that the operation of the knobs 9, 10 and 11 is **not** nullified when the image input switch SW is inhibited from turning on when the entered password does not coincide with the registered password *because the LCD display 22 is operational at this time*. As discussed in col. 3, lines 13-23 of **Mizoguchi**, when the user turns the power supply ON by turning on the power switch 12, the character generator 31 is used to generate a message regarding eye health that is displayed on the liquid crystal display 22. The message regarding eye health is displayed on the liquid crystal display 22 **before** the image input switch SW is switched ON.

Accordingly, **Mizoguchi** suggests that the brightness control knob 9 and the gray level control knob 10 *would have an effect on the operation of the display 22* while the message regarding eye health is displayed, even if the image input switch SW is OFF (i.e., inhibited). In other words, the brightness and gray level of the display 22 can be adjusted when the message regarding eye health is displayed.

Therefore, it is submitted that **Mizoguchi** does not disclose or suggest that operation of any of the key inputs (i.e., power switch 12, reset 13, numerical input buttons 14) are inhibited or nullified in any way during operation.

Mizoguchi only teaches that the image signal supplied from an external source via image input switch SW is inhibited (and thus the image from the external source is not displayed) by keeping switch SW off when an entered password does not coincide with a registered password.

Accordingly, it is submitted that the **Iwasa** reference, which teaches *inhibiting input operations of a mouse and keyboard* when a password does not coincide after three attempts to enter the password, teaches away from **Mizoguchi**, which teaches that *operations of a first remote controller 3 and key inputs associated therewith are still permitted* when an entered password does not match a registered password.

In view of the above remarks, it is submitted that the **Iwasa** and **Mizoguchi** references teach away from each other, and a *prima facie* case of obviousness cannot be made. Therefore, the rejection of claims 3 and 4 under §103 is improper and should be reversed for this additional reason.

*The **Iwasa** and **Okamoto** references destroy the function of **Mizoguchi***

As discussed above, the **Iwasa** reference teaches that operation of a keyboard and mouse are maintained in a locked or inhibited state when a password is entered three times and the password is not successfully matched with a registered password. However, if the teachings of this inhibiting operation of **Iwasa** are applied to **Mizoguchi**, the function of the **Mizoguchi** reference will be destroyed.

More specifically, as discussed above, **Mizoguchi** teaches that the input operations of input devices (i.e., first remote controller 3 and second remote controller 5) can be performed (i.e., they are not inhibited), even if there is no match of an entered password with a registered password. For example, as shown in Fig. 1A of **Mizoguchi**, in steps S15-S17, if the entered password does not coincide, then the password is re-entered. Thus, the numerical buttons 14 of **Mizoguchi**, which are used to re-enter the password, must not be nullified or locked or prohibited so that the password can be re-entered.

However, if the teachings of Fig. 6 of **Iwasa et al.** are applied to **Mizoguchi**, the operation of the **Mizoguchi** input buttons 14 (and other inputs) would be inhibited until the password is confirmed (**Iwasa** does not permit the keyboard and mouse to operate *until* the proper password is entered). Therefore, the function of the password entry (and the other input functions of the remote controllers 3, 5) in the **Mizoguchi** reference would be destroyed if

combined with the teachings of **Iwasa** because no key re-entry of the password via input buttons 14 would be possible.

Moreover, as discussed above, the Examiner relies on **Okamoto** for the teaching of a circuit that nullifies operation of keys of an operation unit (i.e., “*a circuit for...nullifying operation of keys of the operation unit in response to the circuit for comparing indicating that the registered password and the password received from the external computer coincide with each other*”). See final Office Action, page 4, third paragraph.

However, if the **Okamoto** reference is interpreted in the manner the Examiner asserts in the Office Action, and the alleged teaching of a key lock state for keys on a keyboard (i.e., nullifying keys) of a data input device in response to matching of an entered password with a registered password is combined with **Mizoguchi**, the result destroys the function of **Mizoguchi**. (See final Office Action, page 5, lines 10-11 where the Examiner asserts “Okamoto clearly teaches the *inhibition of the input device that is used to input the password...*” [Emphasis added]).

More specifically, the result of the Examiner’s proposed combination would be a device that nullifies (i.e., locks) the operation of the numerical buttons 14 (i.e., key inputs of an operation unit) in **Mizoguchi** in response to an entered password coinciding with a registered

password. As noted above, **Mizoguchi** teaches that the numerical buttons 14 form a password input device (see col. 2, lines 27-28)

However, *nullifying the operation of the numerical buttons 14 would destroy the function* of the **Mizoguchi** device because the numerical buttons 14 are used to enter a password to continue operation of the device (see e.g., col. 4, lines 4-6). Thus, the disclosed function of the optical visualizing apparatus of **Mizoguchi** would be destroyed when the operation of the numerical buttons 14 is nullified.

It is submitted that the combination of the teachings of **Iwasa** and **Okamoto** with **Mizoguchi** destroys the intent, purpose or function of the invention disclosed in the **Mizoguchi** reference, and a *prima facie* case of obviousness cannot be made. Therefore, the rejection of claims 3 and 4 under §103 is improper and should be reversed for this additional reason.

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VIII) CONCLUSION

If this paper is not timely filed, appellants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to Deposit Account No. 50-2866, along with any other additional fees that may be required with respect to this paper.

Respectfully submitted,

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WMS/ar

(IX) CLAIMS APPENDIX

3. A liquid crystal projector system for regulating use of a liquid crystal projector, comprising:

an external computer for operating the liquid crystal projector, the external computer being connected to the liquid crystal projector by radio or wire and including liquid crystal projector controlling software for controlling the liquid crystal projector;

the liquid crystal projector comprising

operation means for operating the liquid crystal projector, the operation means including means for entering a command to control the liquid crystal projector via key entry;

means for registering a password in the liquid crystal projector;

means for determining whether a password is registered in the liquid crystal projector in response to a power supply of the liquid crystal projector being turned on;

means for inhibiting operation of the liquid crystal projector by the operation means, as well as for waiting until a password is received from the external computer in response to detecting that the password is registered in the liquid crystal projector;

means for comparing, in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the

operation means in response to the means for comparing indicating that both the registered password and the password received from the external computer coincide with each other; and

means for determining a number of times an erroneous password is entered and inhibiting operation of the liquid crystal projector, except a power-off operation of the liquid crystal projector, by nullifying operation of keys of the operation means, except operation of a power key provided in the operation means, in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times.

4. A liquid crystal projector system for regulating use of a liquid crystal projector, comprising:

an external computer for operating the liquid crystal projector, the external computer being connected to the liquid crystal projector by radio or wire and including liquid crystal projector controlling software for controlling the liquid crystal projector;

the liquid crystal projector comprising:

an operation unit for operating the liquid crystal projector, the operation unit including a command entry unit to enter a command control the liquid crystal projector via key entry;

a circuit for previously registering a password in the liquid crystal projector;

a determining unit to determine whether a password is registered in the liquid crystal projector in response to a power supply of the liquid crystal projector being turned on;

a circuit for inhibiting operation of the liquid crystal projector by the operation

unit, as well as for waiting until a password is received from the external computer in response to detecting that the password is registered in the liquid crystal projector;

a circuit for comparing, in response to receiving the password from the external computer, the received password with the registered password and for allowing operation of the liquid crystal projector by the external computer and nullifying operation of keys of the operation unit in response to the circuit for comparing indicating that the registered password and the password received from the external computer coincide with each other; and

a determining circuit to determine a number of times an erroneous password is entered and to inhibit operation of the liquid crystal projector, except a power-off operation of the liquid crystal projector, by nullifying operation of keys of the operation unit, except operation of a power key provided in the operation unit, in response to determining that the number of times an erroneous password is entered exceeds a predetermined number of times.

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(X) EVIDENCE APPENDIX

No evidence under 37 C.F.R. 41.37(c)(1)(ix) is submitted.

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(XI) RELATED PROCEEDINGS APPENDIX

No decisions under 37 C.F.R. 41.37(c)(1)(x) are rendered.